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DISTRICT COURT OF GUAM

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

05-00007

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAROLD J. CRUZ and
ERNEST Q. MUNA,

Defendants.

MAGISTRATE CASE NO. _____

COMPLAINT

UNLAWFUL TAKING OF WILDLIFE

[16 U.S.C. § 3372(a)(3)(A) and (4)]

[18 U.S.C. §§ 7(3) & 13] (Count 1)

(Misdemeanor)

ENTERING MILITARY PROPERTY

[18 U.S.C. § 1382] (Count 2)

(Misdemeanor)

THE UNDERSIGNED COMPLAINT CHARGES UPON INFORMATION AND BELIEF
THAT:

**COUNT 1 - UNLAWFUL TAKING, POSSESSION, OR TRANSPORTATION OF
WILDLIFE**

On or about April 9, 2005, in the District of Guam, the defendants, HAROLD J. CRUZ and ERNEST Q. MUNA, at a place within the special maritime and territorial jurisdiction of the United States, namely Andersen Air Force Base, Guam, on land acquired for the use of the United States and under its concurrent jurisdiction, did knowingly and unlawfully attempt to possess wildlife, to wit: attempted taking of wildlife, deer or wild pigs with an artificial light in violation of Title 5, Guam Code Annotated, Section 63121 and 63125, all in violation of Title 16

United States Code, Section 3372(a)(3)(A) and (4) and Title 18, United States Code, Sections 7(3) and 13.

COUNT 2 - ENTERING MILITARY PROPERTY

On or about April 9, 2005, in the District of Guam, the defendant, HAROLD J. CRUZ and ERNEST Q. MUNA, went upon a United States military reservation, to wit: Andersen Air Force Base, Guam, for a purpose prohibited by law or lawful regulation, that is, intending to engage in conduct in violation of Title 16, United States Code, Section 3372(a)(3)(A) and (4), and Title 5 Guam Code annotated, Section 63121 and 63125, in violation of Title 18 United States Code, Section 1382.

COMPLAINANT FURTHER STATES:

My name is Mark J.D. Aguon and I am a Conservation Officer with the Guam Department of Agriculture. In that capacity, I attest to the following:

1. I have been a Conservation Officer for 13 years and I am responsible for enforcement of the Federal and Guam laws concerning Fish, Game and Wildlife.

2. On April 8, 2005, I and the night shift of conservation officers decided to enact enforcement in and around Andersen AFB, Guam. We deployed into the area of operations at approximately 2:30 a.m April 9, 2005.

3. At approximately 2:35 a.m. on April 9, 2005, I heard a shot from a firearm, thereby indicating active poaching. At approximately 2:45 a.m. I observed two individuals spotlighting for game. Spotlighting causes the game to freeze momentarily making them an easier target for illegal hunters.

4. Upon hearing the shot I summoned assistance from the other members of my shift, Sgt R.L. Watson, Sgt J.B. Camacho, and Richard Ragadio.

5. I turned on my vehicle headlights and the two individuals fled. I yelled out my identity as a Conservation Officer and the individual continued to flee. I gave chase.

1 6. The members of my team and I apprehended ERNEST Q. MUNA and HAROLD J.
2 CRUZ.


3 7. Found at the scene of the apprehension was a 12 gauge shotgun and two unexpended
4 12 gauge shotgun rounds. In the possession on ERNEST Q. MUNA was a flashlight he was
5 using for spotlighting the game. Whether the shotgun was registered remains unknown at this
6 time. HAROLD J. CRUZ had a firearms identification card in his possession. Mr. ERNEST Q.
7 MUNA did not have a firearms identification card on him at the time of his apprehension. No
8 registration documents for the 12 gauge shotgun was found in the possession of either HAROLD
9 J. CRUZ or ERNEST Q. MUNA.

10 8. A further search of the area for killed or wounded game and other evidence continues.


11 9. All of the above occurred on property owned by the United States and the United
12 States Air Force.

13 FURTHER AFFIANT SAYETH NAUGHT.

14 DATED this 9th day of April 2005.

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17 
18 MARK J.D. AGUON
Conservation Officer

19 SUBSCRIBED AND SWORN TO before me on this 9th day of April 2005.

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21 
22 JOAQUIN V.E. MANIBUSAN, JR.
23 Magistrate Judge
District Court of Guam